IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY FOURTH DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI DEVINDER GUPTA,THE CHIEF JUSTICE

and
THE HON'BLE MR JUSTICE M.NARAYANA REDDY

WRIT PETITION NO : 2273 of 2004

Between:

1 Executive Engineer, Civil Construction Wing. All India Radio T.V.Ramanthapur, Hyderabad.
2 Superintending Engineer C.C.W Air and TV, PB No.418, Adams Road,

Chennai
3 Station Engineer, AIR, Warangal.
4 Chief Engineer, AIR & TV, Creams Road, Chennai

..... PETITIONER(S)

AND

1. Ravula Srinivasa Reddy (died) [per L.R.] S/o. Ravula Ramana Reddy, Programme Executive, AIR, Hyderabad AIR Qtrs. L.B.Nagar, Hyderabad.

2. Smt.R.Sukanya Devi W/o late Srinivasa Reddy, Plot No.13, Hitech Nagar, Opp: Guest House, Yellareddyguda, KAPRA, Hyderabad – 82.

(Respondent No.2 is brought on record as the legal representative of the deceased Respondent No.1 as per court order vide judgment dated 24-1-2005)

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to set aside the orders of the Hon'ble State Consumer Disputes Redressal Commission of A.P. in FA No.217 of 2000 against CD No.216 of 1995 on the file of District Consumer Forum, Warangal Dt:10-9-2003 as the same has been passed in violation of law, without jurisdiction and in violation of Service Law Jurisprudence.

Counsel for the Petitioner:MR.V.VINOD KUMAR

Counsel for the Respondents : Mr.Mendu Babu Rao

The Court at the admission stage made the following :

ORAL ORDER: (per the Hon'ble the Chief Justice)

Since the respondent has died, the petitioners have served notice on the wife of the deceased, who is represented today before us.

Petitioners are questioning the orders passed by the A.P. State Consumer Disputes Redressal Commission dismissing their appeal. Challenge is on the ground that the deceased-respondent No.1 filed a complaint before the District Consumer Forum against the petitioners seeking damages suffered by him because of deficiency in service. While occupying the Government quarter during his service, all of a sudden, the window of another quarter fell. He and his wife were standing outside and the window hit his leg resulting in severe injuries leading to fracture of left ankle. The allegation was that since the writ petitioners, who were bound to maintain the quarter, had not properly maintained it, and being deficiency in service, damages were claimed. According to the writ petitioners, it is a service dispute. In other words, neither the District Consumer Forum nor the State Forum has any jurisdiction to grant compensation equivalent to the salary etc.

There is a remedy available to the petitioners to approach the National Commission under Section 21(a)(ii) of the Consumer Protection Act, 1986, which can decide the question as to whether the State Commission has properly exercised the jurisdiction vested in it by law.

With liberty reserved to the petitioners to approach the National Commission

by filing a revision, we dismiss the petition. In case within a period of 30 days from today, revision is filed, it will be entertained by the National Commission and decided in accordance with law. Till then, the impugned order shall remain stayed.

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DEVINDER GUPTA, CJ

24-1-2005

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M.NARAYANA REDDY, J

Tvr

To

1 Executive Engineer, Civil Construction Wing. All India Radio
T.V.Ramanthapur, Hyderabad.
2 Superintending Engineer C.C.W Air and TV, PB No.418, Adams Road,

Chennai
3 Station Engineer, AIR, Warangal.
4 Chief Engineer, AIR & TV, Creams Road, Chennai

5 The Registrar, State Consumer Disputes Redressal Commission,

A.P.,Hyderabad.

6 The Chairman, District Consumer Forum, Warangal.

7 2 CD copies.